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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,388	02/02/2001	Thomas Joseph Foss	LUC-296/Foss 1-8-25-5	1422

32205 7590 03/16/2004

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CHICAGO, IL 60602

EXAMINER

PHAM, TUAN

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/16/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/776,388

Applicant(s)

FOSS ET AL.

Examiner

TUAN A PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Czerwiec et al. (U.S. Patent No. 6,314,102, hereinafter, "Czerwiec", as cited in the first Office Action).

Regarding claim 1, Czerwiec teaches a system (see figure 2) comprising a splitter (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) unit that comprises a port (see figure 7A, low pass filter/splitter 1, col.5, ln.49-61) that is electrically connected directly to a connector of a plain old telephone service (POTS) interface circuit of a switch of a central office (see figure 1, POTS interface 26, col.9, ln.30-40), wherein the

splitter unit and the POTS interface circuit are operable located on a same shelf (see figure 2, central office switch 46, ADSL shelf, col.9, ln.30-40, col.10, ln.60-65).

Regarding claim 2, Czerwiec further teaches the system wherein the connector of the POTS interface circuit comprises a plural number of connection points, and wherein the splitter unit comprises a plural number of splitter components equal in number and electrically connectable to the plural number of connection points of the POTS interface Circuit (see col.5, ln.49-61, col.4, ln.1-36).

Regarding claim 3, Czerwiec further teaches the system wherein the port of the splitter unit is employable to electrically connect directly each of the plural number of splitter components with a respective one of the plural number of connection points of the POTS interface circuit (see col.5, ln.49-61).

Regarding claim 4, Czerwiec further teaches the system wherein the connector of the POTS interface circuit comprises a plural number of connection points, and wherein the port comprises a plural number of subports equal in number and electrically connectable directly to the plural number of connection points of the POTS interface circuit (see col.3, ln.57-67, col.4, ln.1-36, col.5, ln.7-26).

Regarding claim 5, Czerwiec further teaches the system comprises a port that is electrically connectable directly to a connector of a plain old telephone service interface circuit of the switch of the central office (see col.9, ln.27-61, col.23, 41-50).

Regarding claim 6, Czerwiec further teaches the port comprises a male interface that is electrically connectable directly to a female interface that comprises the connector of the POTS interface circuit of the switch of the central office. It is clearly

show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 7, Czerwiec further teaches the system wherein the port comprises a first port; and wherein the splitter unit comprises a second port that is electrically connectable directly to a connector of a tip and ring cable of the central office, wherein the second port is electrically connected to the first port (see col.16, ln.41-67).

Regarding claim 8, Czerwiec further teaches the system wherein the step of selecting the splitter unit to comprise the second port that is electrically connectable directly to the connector of the tip and ring cable of the central office comprises the step of selecting the second port to comprise a female interface that is electrically connectable directly to a male interface that comprises the connector of the tip and ring cable of the central office. It is inherently show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 9, Czerwiec further teaches the system wherein the splitter unit comprises a first splitter unit, wherein the interface circuit comprises a first interface circuit, and further comprising a second splitter unit that comprises a port that is electrically connectable directly to a connector of a second POTS interface circuit of the switch of the central office (see figure 7A, splitter 1, col.16, ln.41-51).

Regarding claim 10, Czerwiec further teaches the system wherein the splitter unit is employable to prepare one or more lines of the central office for asymmetric digital subscriber line service (see figure 1A, col.10, ln.1-13).

Regarding claim 11, Czerwiec further teaches the system wherein the POTS interface circuit comprises a physical dimension, and wherein the splitter unit comprises a physical dimension that substantially matches the physical dimension of the interface circuit (see col.6, ln.14-36).

Regarding claim 12, Czerwiec further teaches the system wherein the physical dimension of the interface circuit comprises a first physical dimension of the interface circuit, wherein the interface circuit comprises a second physical dimension; and wherein the splitter unit comprises a second physical dimension that substantially matches the second physical dimension of the POTS interface circuit (see figure 1, col.9, ln.63-64).

Regarding claim 13, Czerwiec teaches a method comprising the step of: selecting a splitter unit (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) that comprises a port (see figure 7A, low pass filter/splitter 1, col.5, ln.49-61) that is electrically connected directly to a connector of a POTS interface circuit of a switch of a central office (see figure 1, POTS interface 26, col.9, ln.30-40, wherein the splitter unit and the POTS interface circuit are operably located on a same shelf (see figure 2, central office switch 46, ADSL shelf, col.9, ln.30-40, col.10, ln.60-65)).

Regarding claim 14, Czerwiec further teaches the method wherein the connector of the POTS interface circuit comprises a plural number of connection points, wherein

the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a plural number of splitter components equal in number and electrically connectable to the plural number of connection points of the POTS interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 15, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of: employing the port of the splitter unit to electrically connect directly each of the plural number of splitter components with a respective one of the plural number of connection points of the POTS interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 16, Czerwiec further teaches the method wherein the connector of the POTS interface circuit comprises a plural number of connection points, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of selecting the port to comprise a plural number of subports equal in number and electrically connectable directly to the plural number of connection points of the POTS interface circuit (see figure 2, central office switch 46, col.5, ln.49-62, col.16, ln.41-51).

Regarding claim 17, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of selecting the port to comprise a port that is electrically connectable directly to a connector of a plain old telephone service POTS interface circuit of the switch of the central office (see col.9, ln.27-61, col.23, 41-50).

Regarding claim 18, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the interface circuit of the switch of the central office comprises the step of selecting the port to comprise a male interface that is electrically connectable directly to a female interface that comprises the connector of the POTS interface circuit of the switch of the central office. It is clearly show in figure 1A have a female connector that female connector should be connected with male connector in the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 19, Czerwiec further teaches the method wherein the port comprises a first port, and further comprising the step of selecting the splitter unit to comprise a second port that is electrically connectable directly to a connector of a tip and ring cable of the central office, wherein the second port is electrically connected to the first port (see col.16, ln.41-67).

Regarding claim 20, Czerwiec further teaches the method wherein the step of selecting the splitter unit to comprise the second port that is electrically connectable directly to the connector of the tip and ring cable of the central office comprises the step



of selecting the second port to comprise a female interface that is electrically connectable directly to a male interface that comprises the connector of the tip and ring cable of the central office (see figure 1A, col.9, ln.65-66, col.10, ln.1-15).

Regarding claim 21, Czerwiec further teaches the method wherein the splitter unit comprises a first splitter unit, wherein the POTS interface circuit comprises a first interface circuit, and further comprising the step of selecting a second splitter unit that comprises a port that is electrically connectable directly to a connector of a second interface circuit of the switch of the central office (see figure 7A, splitter 1, col.16, ln.41-51).

Regarding claim 22, Czerwiec further teaches the method wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of employing the splitter unit to prepare one or more lines of the central office for asymmetric digital subscriber line service (see figure 1A, col.10, ln.1-13).

Regarding claim 23, Czerwiec further teaches the method wherein the POTS interface circuit comprises a physical dimension, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a physical dimension that substantially matches the physical dimension of the POTS interface circuit (see col.6, ln.14-36).

Regarding claim 24, Czerwiec further teaches the method wherein the physical dimension of the POTS interface circuit comprises a first physical dimension of the interface circuit, wherein the interface circuit comprises a second physical dimension, wherein the step of selecting the splitter unit that comprises the port that is electrically connectable directly to the connector of the POTS interface circuit of the switch of the central office comprises the step of selecting the splitter unit to comprise a second physical dimension that substantially matches the second physical dimension of the POTS interface circuit (see figure 1, col.9, ln.63-64).

Regarding claim 26, Czerwiec further teaches the shelf is located in a rack wherein operably locating the splitter unit on the shelf with the POTS interface circuit serves to increase an amount of available space in the rack (see figure 1B, col.10, ln.54-65).

Regarding claim 27, Czerwiec further teaches the splitter unit and the POTS interface circuit connect to form an integral unit (see figure 1, new shelf arrangement 10, col.10, ln.55-65).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Czerwiec et al. (U.S. Patent No. 6,314,102, hereinafter, "Czerwiec").

Regarding claim 25, Czerwiec further teaches a system (see figure 2) comprising a splitter (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) unit that comprises a port (see figure 7A, low pass filter/splitter 1, col.5, ln.49-61) that is electrically connected directly to a connector of a plain old telephone service (POTS) interface circuit of a switch of a central office (see figure 1, POTS interface 26, col.9, ln.30-40), wherein the splitter unit and the POTS interface circuit are operable located on a same shelf (see figure 2, central office switch 46, ADSL shelf, col.9, ln.30-40, col.10, ln.60-65).

It should be noticed that Czerwiec fails to clearly teach the features of reducing a wiring length between the splitter unit and the POTS interface circuit. However, the splitter unit is a part of a shelf within a rack in the central office as show by Czerwiec (see col.10, ln.60-67) for a purpose of saving the time for wiring.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of splitter unit on the shelf with the POTS interface circuit servers to reduce a wiring length between the splitter unit and the

POTS interface circuit as taught by Czerwiec in order to save the space and cost to run the wire between the splitter and the interface.

### ***Response to Arguments***

5. Applicant's arguments filed on 02-03-2004 have been fully considered but they are not persuasive.

Applicant traverses to the rejections by mainly arguing that the Czerwiec references (U.S. Patent No. 5,471,528) does not teach the limitations of "the splitter unit and the POTS interface circuit are operably located on a same shelf", and further fails to teach "a splitter unit that comprises a port that is electrically connected directly to a connector of a POTS interface circuit of a switch of a central office" as now amended in claims 1 and 13. However, the Examiner respectfully disagrees with the Applicant's arguments as stated above. Applicant is respectfully referred to section 2 of this Office Action where the Examiner interpreted a splitter (see figure 7A, low pass filter/splitter 1, col.16, ln.41-51) unit that comprises a port (see figure 7A, low pass filter/splitter 1, col.5, ln.49-61) that is electrically connected directly to a connector of a plain old telephone service (POTS) interface circuit of a switch of a central office (see figure 1, POTS interface 26, col.9, ln.30-40), wherein the splitter unit and the POTS interface circuit are operably located on a same shelf (see figure 2, central office switch 46, ADSL shelf, col.9, ln.30-40, col.10, ln.60-65). More specifically Czerwiec discloses the ADSL shelf section 34 in figure 2 and C.O Switch are within a rack in a central office (see col.10, ln.60-65), which implied that they are in the same shelf.

Based on the above rationale, it is believed that Czerwec meets the limitations of claims 1-27. Therefore, the rejections are still maintained.

**THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

A shortened statutory period for response to this final action is set to expire **THREE MONTHS** from the date of this action. In the event a first response is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than **SIX MONTHS** from the date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks  
Washington, D.C. 20231**

**or faxed to:**

**(703) 872-9314**

**Hand-delivered responses should be brought to  
Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor  
(Receptionist, tel. No. 703-305-4700).**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)

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Date: March 17, 2004

Examiner

Tuan Pham

A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

**BINH TIEU**  
**PRIMARY EXAMINER**